# WATER ALLOCATION PROGRAM ADVISORY COMMITTEE

May 29, 2003

## **PRIORITY USES**



## **MEMBERSHIP** PRIORITY USES SUBCOMMITTEE

Walter Combs

John P. O'Brien

Ken Ayars

Al Bettencourt

Gary Freeman

Susan Licardi

Christine Lipsky

Peter Lund

Peter Masterson

Dan Norris

H. Charles Obert

Dept. of Health, co-chair

Statewide Planning Program, co-chair

Dept. of Environmental Management

RI Farm Bureau

Andrew Dzykewicz Economic Development Corp.

**Emergency Management Agency** 

No. Kingstown Water Dept.

Dept. of Environmental Management

RI Golf Course Superintendents Assoc.

**Kent County Water Authority** 

Irrigation Association of RI

**Pawtuxet River Authority** 



## **MISSION**

### **SOME ASSUMPTIONS:**

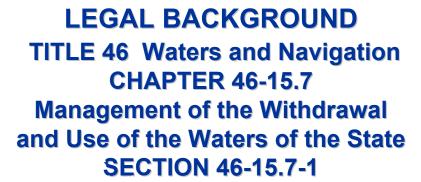
- Water Resources Board would adopt a comprehensive water allocation policy
- Water Resources Board would develop the standards for priority uses within context of allocation policy to be applied in nonemergency and emergency situations.
- Subcommittee would develop criteria that reflect consensus priorities based upon existing law and policy.
- Criteria would get more specific as supported, over time, by increased data defining the local/regional resource and the demand.

## MISSION STATEMENT WATER ALLOCATION PRIORITY USES

The mission of the Water Allocation Priority Uses Subcommittee is to produce a set of dynamic criteria that may be used by the Water Resources Board in developing standards for priorities for the uses of the waters of the state. These criteria should be informed by existing state policy, state and federal law and shall be tailored to the degree supportable by existing data as well as to the unique characteristics of watersheds and basins.

The subcommittee shall develop these criteria based upon a review of

- 1) existing laws, regulations and policies of the State of Rhode Island that pertain to priorities for all uses of water in the State, including but not limited to: drinking water supply, fire protection, agriculture, aquaculture, industry, preservation of the environment, and recreational use; and
- 2) existing and projected needs for all uses of the State's waters.



§ 46-15.7-1 Legislative findings and declaration. – (b)

(5) With regard to agriculture, it is a priority of the state to preserve agriculture; securing this state priority involves allocation of water resources in a manner that provides for agricultural sustainability while recognizing the importance of other water uses, and accordingly, in any program by which water withdrawals may be allocated by the board pursuant to its powers, including but not limited to powers set forth in chapters 15, 15.1, 15.3 and 15.7 of this title, the board shall give priority to commercial agricultural producers, as defined in § 46-15.3-4(2), that have adopted and implemented an agricultural water withdrawal management plan which has been approved by the department of environmental management, division of agriculture, consistent with duly adopted plans and estimates regarding the aggregated supply available from the affected water resource. In putting into effect the purposes of this subdivision, the board shall consider the reduction in water withdrawal that has resulted from the implementation of an agricultural water withdrawal management plan as a credit against any reduction in water withdrawal which would otherwise be required; and to the extent not inconsistent: (i) with the board's obligations to assure drinking water supplies under chapter 15.3 of this title and water supplies for fire protection; and (ii) with federal and state law, the board shall allow commercial agricultural producers to continue to irrigate commercial crops either in fields or greenhouses, notwithstanding a critical dry period.

#### **STATE POLICY**



The *Water Emergency Response Plan* and the *Rhode Island Drought Management Plan* – establish over-arching goals that speak to water allocation and priorities:

- 1. Protection of public health, safety and welfare;
- 2. Conservation of essential drinking water resources;
- 3. The reasonable allocation of water supply; and
- 4. Support of essential and high priority water uses.

#### LOCAL POLICY

Twenty one water systems have addressed establishing priorities in their Water Supply System Management Plans consistent with the aforementioned goals.

#### **OTHER STATES**

#### Connecticut

- Has not established priority uses
- Recognizes need to prioritize by basin, based on actual uses and need within basin

#### Georgia

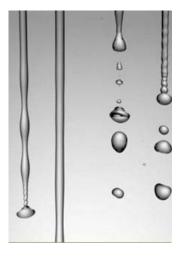
During emergencies the following priorities apply:

- Emergency facilities for essential life support measures
- Domestic and personal uses, including drinking, cooking, washing, sanitary purposes and all health related activities.
- Farm uses
- Industrial uses (including those industries on public water systems)
- Other uses such as lawn sprinkling, noncommercial car washing, garden watering, etc.
- Outdoor recreational uses.

### **WATER ALLOCATION PRIORITIES**

	RIPARIAN *, **	ARK	IOWA	MINN
DOMESTIC	1	1	1	1
CROPS/LIVESTOCK	2	2	5/2	2/3
ECONOMIC DEVELOP	3	3	4	5
HYDROPOWER		4	3	4
RECREATION		5	6	6

- \* Within ea. category, preference to uses that maximize use of water
- \*\* Within ea. category, preference to permit renewals



## PRESUMPTIONS OF SUBCOMMITTEE IN RECOMMENDING PRIORITY ALLOCATION CRITERIA

1. <u>Criteria will adhere to the "Guiding Principles" adopted by</u> the Water Allocation Program Advisory Committee, namely

The management of fresh water resources will be based upon:

- Adequate data in order to determine the capabilities of the state's water resources to support various uses and users and the quantities of the water needed for these uses ( and that this data is available at the basin level):
- Long-range planning for and conservation of these resources;
- Fairness, equitable distribution, and consideration for all human uses;
- Matching the use of water with the quality of water necessary for each use, giving priority to those uses that require the highest quality water;
- Maintenance of native aquatic and terrestrial animal and plant species, populations, and communities and statewide diversity;

# PRESUMPTIONS OF SUBCOMMITTEE IN RECOMMENDING PRIORITY ALLOCATION CRITERIA (continued)

- Continued upholding of and improvement in the quality of the environment and especially of the water resource itself;
- Careful integration with all other social, economic, and environmental objectives, programs, and plans of the state;
- Allocation of water resources in a manner that provides for agricultural sustainability while recognizing the importance of other water uses; and
- Optimizing reduction/conservation, reuse and recycling.
- 2. A registration and water withdrawal permitting system may be instituted.

# Recommendations of Priorities Subcommittee

In accordance with the Guiding Principles, with particular emphasis on fairness, equitable distribution and intergration with all other plans of the state, the Subcommittee recommends that the Advisory Committee adopt the following:

Preference, but not exclusive use, should be given to allocation up to the safe yield or other applicable limit of allocation of the resource according to the following priorities:

- (a) direct human consumption or sanitation in so far as necessary for human survival, health and safety;
- (b) uses necessary for the survival or health of livestock and to preserve crops or physical plant and equipment from physical damage or loss in so far as it is reasonable to continue such activities in relation to particular water sources; and
- (c) other uses in such a manner as to maximize employment and economic benefits within the overall goal of sustainable development as set forth in the comprehensive water plan.

# Recommendations of Priorities Subcommittee

(continued)

Among the preference categories, uses are to be preferred that maximize the reasonable use of water.

Applications to renew an allocation shall be evaluated by the same criteria applicable to an original application, except that renewals shall be favored over competing applications for new withdrawals if the public interest is served equally by the competing water uses after giving consideration to the prior investment pursuant to a valid water right in related facilities as a factor in determining the public interest.

When the waters available from a particular water source are insufficient to satisfy all lawful demands upon that water source, permits shall be revoked according to the reverse order of priority set for granting of permits and in accord with existing policy and procedures.